



## INTERIOR BOARD OF INDIAN APPEALS

Ronald J. Wopsock, Luke J. Duncan, and an Unknown Number of Unnamed Members of  
the Uintah and Whiteriver Bands of the Ute Indian Tribe of the Uintah and Ouray Indian  
Reservation v. Western Regional Director, Bureau of Indian Affairs

40 IBIA 24 (05/26/2004)

Related Board case:  
42 IBIA 117



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ARLINGTON, VA 22203

RONALD J. WOPSOCK, LUKE J. DUNCAN,	:	Order Dismissing Appeal
and an UNKNOWN NUMBER OF	:	
UNNAMED MEMBERS OF THE UINTAH	:	
AND WHITERIVER BANDS OF THE UTE	:	
INDIAN TRIBE OF THE UINTAH AND	:	
OURAY INDIAN RESERVATION,	:	
Appellants,	:	Docket No. IBIA 04-93-A
	:	
v.	:	
	:	
WESTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	May 26, 2004

Appellants Ronald J. Wopsock, Luke J. Duncan, and “an unknown number of unnamed members of the Uintah and Whiteriver Bands of the Ute Indian Tribe of the Uintah and Ouray Indian Reservation” sought review of the alleged failure of the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA), to respond to their March 2, 2004, letter requesting that he decide a matter that Appellants had pending before him. Appellants’ appeal to the Board of Indian Appeals (Board) was filed pursuant to 25 C.F.R. § 2.8, based on the alleged inaction of a BIA official.

On April 14, 2004, the Board requested a status report on the matter from the Regional Director. On May 7, 2004, the Board received from the Regional Director a copy of a May 3, 2004, letter he had sent to counsel for Appellants, in which he decided the matter that was the subject of Appellant’s March 2 request-for-action letter. Appellants have separately filed an appeal on the merits from the Regional Director’s May 3, 2004, decision.

Appellants have received the relief they sought in filing this appeal based on alleged inaction by BIA. The Regional Director took action and issued a decision. Thus, the Board concludes that this appeal is moot. See Ute Indian Tribe v. Western Regional Director, 38 IBIA 288 (2003).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the alleged inaction of the Western

Regional Director is dismissed as moot. This dismissal is without prejudice to Appellants' right to pursue their appeal from the Regional Director's May 3, 2004, decision.

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//original signed  
Steven K. Linscheid  
Chief Administrative Judge

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//original signed  
Colette J. Winston  
Administrative Judge